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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/590,147

12/01/2006

Hiroshi Ishibuchi

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WENDEROTH, LIND & PONACK, L.L.P.

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EXAMINER

CUMBESS, YOLANDA R

ART UNIT

PAPER NUMBER

3651

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/590,147	<b>Applicant(s)</b> ISHIBUCHI ET AL.	
	<b>Examiner</b> YOLANDA CUMBESS	<b>Art Unit</b> 3651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 3, 6, 11, 19, 23, 25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3, 6, 11, 19, 23 and 25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 8/21/2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/21/2006</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Objections***

Claims 3, 6, 11, 15, 19, 23 and 25 are objected to because of the following informalities: Where a claim sets forth a plurality of elements or steps, each element or step should be separated by a line indentation. 37 CFR 1.75(i); MPEP 608.01(m). Appropriate correction is required.

Claims 6, 11, 15, 19, and 25 are objected to because of the following informalities: A series of singular dependent claims is permissible in which a dependent claim refers to a preceding claim which, in turn, refers to another preceding claim (See claims (claims 6, 11, 15 and 19 depend from claim 3; claim 25 depends from claim 23).

A claim which depends from a dependent claim should not be separated by any claim which does not also depend from said dependent claim. It should be kept in mind that a dependent claim may refer to any preceding independent claim. In general, applicant's sequence will not be changed. See MPEP § 608.01(n). See also 608.01(m): Form of Claims.

Claims 3, 6, 11, 15, 19, 23 and 25 are objected to because of the following informalities: Applicant uses words such as "made by" or "being" to recite elements of the claims. Instead Applicant should use the words such as "wherein said belt comprises", "wherein said belt includes" or "wherein said heat resistant non-metallic fiber substrate is impregnated with"... to clearly and positively recite each element.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 3, 6, 11, 15, 19, 23, and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Kitamura et al (JP Patent Publication No. 11-105171). Relative to claims 3, 6, 11, 19, 23, and 25, Kitamura discloses a heat resistant laminated conveyor belt (Fig. 1) comprising: a belt core layer made (1)(Fig. 1) by a heat resistant non-metallic fiber substrate (Para. 0014, 0018; 0024) being impregnated with a fluororesin dispersion and then dried and sintered, an intermediate layer (2)(Fig. 1) laminated on said belt core layer (1) via an adhesive layer (intermediate layer is formed of a adhesive layer) made by a fluororesin film (Para. 0021), said intermediate layer (2) being made by a heat resistant non-metallic fiber substrate being impregnated with a fluororesin dispersion and then dried and sintered (Para. 0020-0021); and a surface layer (3)(Fig. 1) laminated on said intermediate layer via an adhesive layer made by a fluororesin film; said surface layer (3) having a fabric structure using an element wire or wires (0023; 0018) made of a ferrous metal ("metal fibers") or having a structure in which said element wire or wires are arranged together; said ferrous metal is steel of iron steel, carbon steel, stainless steel ("stainless steel") or the like (Para. 0018); said heat resistant non-metallic fiber substrate is of at least one of a glass fiber, carbon fiber, aramide fiber, aromatic allylate fiber and polyparaphenylenbenzobisoxazole (PBO) fiber; said adhesive layer is a resin

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film layer of a polytetrafluoroethylene (PTFE) resin, denatured poly tetrafluoroethylene (denatured PTFE) resin, tetrafluoroethylene hexafluoropropylene copolymer (FEP) resin, tetrafluoroethylene perfluoroalkoxyethylene copolymer (PFA) resin, ethylene tetrafluoroethylene copolymer (ETFE) resin, ethylenechlorotrifluoroethylene copolymer (ECTFE) resin or the like (0021); and one or both of said intermediate layer (2) and belt core layer (1) on the inner side of said surface layer (3) are a plurality of layers (Fig. 1)(Para. 0028).

Relative to claims 23 and 25, the disclosure of Kitamura includes: the method of manufacturing a heat resistant laminated conveyor belt comprising: a first step of forming a belt core layer (1) by a heat resistant non-metallic fiber substrate being impregnated with a fluororesin dispersion and then dried and sintered (Para. 0018); a second step of forming an intermediate layer (2) by a heat resistant non-metallic, fiber substrate being impregnated with a fluororesin dispersion and then dried and sintered and lapping it over said belt core layer via an adhesive layer made by a fluororesin film and a third step of lapping a surface layer (3) over said intermediate layer via an adhesive layer made by a fluororesin film (0018-0023), said surface layer (3) having a fabric structure using an element wire or wires made of a ferrous metal or having a structure in which said element wire or wires are arranged together (0023), and bonding them together with said belt core layer (1) and intermediate layer (2) by a heat sealing lamination process (Para. 0023-0027); wherein one or both of said intermediate layer (2) and belt core layer (1) on the inner side of said surface layer (3) are a plurality of layers lapped one on another via an adhesive layer or layers and then applied with

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the heat sealing lamination process (Para. 0025-0028).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOLANDA CUMBESS whose telephone number is (571)270-5527. The examiner can normally be reached on MON-THUR 9AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, GENE CRAWFORD can be reached on 571-272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gene Crawford/  
Supervisory Patent Examiner, Art  
Unit 3651

/YOLANDA CUMBESS/  
Examiner, Art Unit 3651